

27. A compound according to claim 23, wherein R¹ is unsubstituted chroman-6-yl or chroman-6-yl substituted by CN, CH₂OH, CH₂OA or COR².

28. A compound according to claim 23, wherein R¹ is unsubstituted chromen-4-on-6-yl or chromen-4-on-6-yl substituted by CN, CH₂OH, CH₂OA or COR².

R E M A R K S

Restriction Requirement

With respect to the restriction requirement under 35 U.S.C. §121, applicants hereby affirm election of Group I, i.e., compounds and compositions wherein Z is N. However, this restriction requirement is respectfully traversed.

In the restriction requirement, the claims drawn to the compounds and compositions are split between Groups I and II on the basis of Z being defined as N or CR³, respectively. Further, it is indicated that the subject matter of these two groups is separately classified. However, the mere assertion that the two groups of subject matter are separately classified within the PTO classification system does not establish justification for a restriction requirement.

Moreover, while group Z differs in each class, the remaining portion of the compounds is the same for both classes. In such a case, there does not appear to be an undue burden imposed upon the examiner to search both classes of subject matter together. As set forth in M.P.E.P. §803, regardless of whether it is asserted that an application contains claims directed to independent and distinct inventions, if the search and examination can be made without serious burden, the examiner must examine the entire application.

Further, the method-of-use claims set forth in Groups III and IV of the restriction requirement are clearly related to the compounds/compositions of Groups I and II. A complete and thorough search of Groups I and II would necessarily overlap with the search required for Groups III and IV, respectively. Thus,

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